

Politics

Court Upholds Net Neutrality Rules On Equal Internet Access



Protesters hold a rally to support "net neutrality" and urge the Federal Communications Commission to reject a proposal that would allow Internet service providers such as AT&T and Verizon "to boost their revenue by creating speedy online lanes for deep-pocketed websites and applications and slowing down everyone else," at the FCC in Washington, D.C., on May 15, 2014. (Karen Bleier, AFP/Getty Images)

By **SAM HANANEL, TALI ARBEL**

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WASHINGTON — A federal appeals court on Tuesday upheld the government's "net neutrality" rules that require internet providers to treat all web traffic equally.

The 2-1 ruling from the U.S. Court of Appeals for the District of Columbia Circuit is a win for the **Obama** administration, consumer groups and content companies such as Netflix that want to prevent online content from being blocked or channeled into fast and slow lanes.

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The rules treat broadband service like a public utility and prevent internet service providers from offering preferential treatment to sites that pay for faster service.

The Federal Communications Commission argued that the rules are crucial for allowing customers to go anywhere on the internet without a provider favoring its own service over that of other competitors. The FCC's move to reclassify broadband came after President Barack Obama publicly urged the commission to protect consumers by regulating internet service as it does other public utilities.

Cable and telecom opponents argue the new rules will prevent them from recovering costs for connecting to broadband hogs like Netflix that generate a huge amount of internet traffic. Providers like **Comcast**, Verizon and AT&T say the rules threaten innovation and undermine investment in broadband infrastructure.

But Judges David Tatel and Sri Srinivasan denied all challenges to the new rules, including claims that the FCC could not reclassify mobile broadband as a common carrier. That extends the reach of the new rules as more people view content on mobile devices.

Judge Stephen Williams dissented in part and said he would have struck down the rules.

The industry had argued that broadband was an information service, and the FCC didn't have the authority to change in which camp it fell. But the court ruled that the FCC was justified in reclassifying broadband as a telecom utility because consumers see broadband as a pipe for internet service and use it mostly to get to websites and apps.

U.S. Sen. **Richard Blumenthal**, D-Conn., and a member of the Senate Commerce Committee, praised the court ruling. He said it ensures that the internet will remain a forum for free speech, education and economic growth.

The FCC rules prohibit "would-be gatekeepers" from seeking to control the flow of information for "their own economic gain," he said.

Elin Swanson Katz, Connecticut's consumer counsel, said the court decision "underscores that the internet is an essential service."

She has criticized telecommunications companies for failing to provide broadband to Hartford neighborhoods

and in rural northwest Connecticut. Because broadband companies are not regulated despite federal rules that treat the companies as utilities regulated by the states, legislators and other officials must negotiate changes in broadband policy and coverage.

Katz said it will be a while before states win the authority to regulate, which is now the jurisdiction of the Federal Communications Commission.

FCC Chairman Tom Wheeler praised the ruling as an affirmation of the government's power to keep the internet open for all consumers.

"After a decade of debate and legal battles, today's ruling affirms the commission's ability to enforce the strongest possible internet protections — both on fixed and mobile networks — that will ensure the internet remains open, now and in the future," Wheeler said.

Christopher Yoo, a professor of law, engineering and communications at the University of Pennsylvania, said some services could become more expensive for consumers or too difficult for providers to offer.

"It may lead to the withdrawal of some tailored plans that provide enhanced access to certain types of content," Yoo said. Over the long run, he said the biggest impact will be limits on new services "that deliver video or other particular types of content in an innovative way."

Opponents of the ruling vowed to appeal.

"We have always expected this issue to be decided by the Supreme Court, and we look forward to participating in that appeal," said David McAtee, AT&T senior executive vice president and general counsel, in a statement posted on the company's website.

Courant reporter Stephen Singer contributed to this report.

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